

ORDINANCE NO. 2003-031

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ATLAS** (TO CORRECT SCRIVENER'S ERRORS IN ORDINANCE 97-44); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners has initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted a public hearing on May 23, June 13, June 20 and October 24, 1997, to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 21, 1997, to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Palm Beach County received on October 20, 1997 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated October 16, 1999, which was the Department's written review of the proposed Comprehensive Plan amendments; and

**WHEREAS**, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

1           WHEREAS, on November 17, 1997, the Palm Beach County Board of County  
2 Commissioners held a public hearing to review the written comments  
3 submitted by the Department of Community Affairs and to consider adoption  
4 of the amendments; and

5           WHEREAS, the Palm Beach County Board of County Commissioners adopted  
6 amendments to the Future Land Use Atlas on November 17, 1997 in Ordinance  
7 97-44; and

8           WHEREAS, Ordinance 97-44 as adopted did not reflect, due to  
9 scrivener errors, the actions reviewed and approved by the Department of  
10 Community Affairs in this amendment to the Future Land Use Atlas by  
11 inadvertently omitting several parcel control numbers for the affected  
12 parcels shown in the adopted Exhibits; and

13           WHEREAS, it is the intent of the Board of County Commissioners to  
14 adopt this ordinance, to reflect the 97-44 proposed amendments to the  
15 Future Land Use Atlas originally adopted by the Board of County  
16 Commissioners and reviewed by the Department of Community Affairs; and

17           WHEREAS, on August 21, 2003, the Palm Beach County Board of County  
18 Commissioners held a public hearing to review the proposed amendments;  
19 and

20           WHEREAS, the Palm Beach County Board of County Commissioners has  
21 determined that the amendments comply with all requirements of the Local  
22 Government Comprehensive Planning and Land Development Regulations Act.  
23

1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS  
2 OF PALM BEACH COUNTY, FLORIDA, that:

3 Part I. Amendments to the 1989 Comprehensive Plan

4 An amendment to the 1989 Comprehensive Plan is hereby adopted:

5 A. Future Land Use Atlas page 131 is amended to include the  
6 parcel control numbers depicted below. These parcels were depicted  
7 in the Ordinance 99-70 Exhibit, but the parcel control numbers below  
8 were inadvertently omitted.

Parcel Control Numbers
00-35-44-01-00-000-3130
00-35-44-01-00-000-3150
00-35-44-01-00-000-3040
00-35-44-01-00-000-3060
00-35-44-01-00-000-3100
00-35-44-01-00-000-3160
00-35-44-01-00-000-3140
00-35-44-01-00-000-3120
00-35-44-01-00-000-3080
00-35-44-01-00-000-3110
00-35-44-01-00-000-3021
00-35-44-01-00-000-3030
00-35-44-01-01-000-0045
00-35-44-01-01-000-0043
00-35-44-01-01-000-0032
00-35-44-01-01-000-0031
00-35-44-01-01-000-0035
00-35-44-01-01-000-0044
00-35-44-01-01-000-0042
00-35-44-01-01-000-0036
00-35-44-01-01-000-0022
00-35-44-01-01-000-0033

9  
10 Part II. Repeal of Laws in Conflict

11 All local laws and ordinances applying to the unincorporated area of  
12 Palm Beach County in conflict with any provision of this ordinance are  
13 hereby repealed to the extent of such conflict.

14 Part III. Severability

15 If any section, paragraph, sentence, clause, phrase, or word of this  
16 Ordinance is for any reason held by the Court to be unconstitutional,  
17 inoperative or void, such holding shall not affect the remainder of this  
18 Ordinance.

19 Part IV. Inclusion in the 1989 Comprehensive Plan

20 The provision of this Ordinance shall become and be made a part of  
21 the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
22 Ordinance may be renumbered or relettered to accomplish such, and the  
23 word "ordinance" may be changed to "section," "article," or any other  
24 appropriate word.



1                    Part V. Effective Date

2                    The effective date of this plan amendment shall be the date a final  
3                    order is issued by the Department of Community Affairs or Administration  
4                    Commission finding the amendment in compliance in accordance with Section  
5                    163.3184(1)(b), Florida Statutes, whichever is applicable. No  
6                    development orders, development permits, or land uses dependent on this  
7                    amendment may be issued or commence before it has become effective. If a  
8                    final order of noncompliance is issued by the Administration Commission,  
9                    this amendment may nevertheless be made effective by adoption of a  
10                   resolution affirming its effective status, a copy of which resolution  
11                   shall be sent to the Florida Department of Community Affairs, Division of  
12                   Community Planning, Plan Processing Team. An adopted amendment whose  
13                   effective date is delayed by law shall be considered part of the adopted  
14                   plan until determined to be not in compliance by final order of the  
15                   Administration Commission. Then, it shall no longer be part of the  
16                   adopted plan unless the local government adopts a resolution affirming  
17                   its effectiveness in the manner provided by law.

18                   APPROVED AND ADOPTED by the Board of County Commissioners of Palm  
19                   Beach County, on the 21 day of August, 2003.

20  
21                   ATTEST:

22                   DOROTHY H. WILKEN, Clerk

23                   PALM BEACH COUNTY, FLORIDA,

24                   BY ITS BOARD OF COUNTY COMMISSIONERS

25                   By: 

26                   Deputy Clerk

27                   By: 

28                   Karen T. Marcus, Chair

29                   APPROVED AS TO FORM AND LEGAL SUFFICIENCY

30                     
31                   COUNTY ATTORNEY

32  
33  
34                   Filed with the Department of State on the 28 day  
35                   of August, 2003.

36                   T:\Planning\AMEND\03-1\admin\bccadopt\Ordinances\LakeHarbor Corrective Ord.doc  
37  
38  
39

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on August 21, 2003

DATED at West Palm Beach, FL on 9/19/03  
DOROTHY H. WILKEN, Clerk

4 By:  D.C.